

1 UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF OHIO
 3 WESTERN DIVISION

3 UNITED STATES OF AMERICA, - Docket No. 3:06-CR-719
 4 Plaintiff, -
 5 v. - Toledo, Ohio
 - April 29, 2008
 6 MOHAMMAD ZAKI AMAWI, et al. ,-
 7 Defendants. -

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 9 VOLUME 40, TRANSCRIPT OF TRIAL
 10 BEFORE THE HONORABLE JAMES G. CARR
 11 UNITED STATES DISTRICT CHIEF JUDGE, AND A JURY

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23 Proceedings recorded by mechanical stenography,
24 transcript produced by notereading.
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1 (Reconvened at 1:04 p.m.)

2 (Sidebar 1 sealed by order of the Court.)

3 THE COURT: Ladies and gentlemen, I

00:03:22 **4** apologize for the delay. I had a not quite hour-long

00:03:26 **5** conference call that started at noon, and we had to

00:03:30 **6** check a couple things with the technology and so forth.

00:03:33 **7** So I trust everything's working fine.

00:03:33 **8** - - -

00:03:33 **9** DARREN GRIFFIN, CONTINUED CROSS-EXAMINATION

00:03:33 **10** BY BY MR. BOSS:

00:03:43 **11** Q. This is one of our three volumes that contains

00:03:46 **12** excerpts from the transcripts. I'll periodically, if

00:03:50 **13** we need to play a tape or ask to refresh your

00:03:53 **14** recollection, simply direct your attention to the tab

00:03:56 **15** dates, and I'll try to give you even the page number.

00:04:15 **16** Now, Mr. Griffin, your interaction with Marwan

00:04:19 **17** El-Hindi, as we now know, spans quite some period of

00:04:23 **18** time. I'd like to direct your attention back to an

00:04:27 **19** earlier recording that you conducted on January 28,

00:04:33 **20** 2004. And on that date, I'm wondering if you recall

00:04:41 **21** that you and Mr. El-Hindi were at that time working on

00:04:48 **22** setting up a couple of businesses. One business was to

00:04:51 **23** recruit students, the EMSS, European -- what is EMSS?

00:04:57 **24** European Medical Student Services?

00:04:59 **25** A. Close enough for me.

00:05:02 **1** Q. You were participating in that business with him,
00:05:04 **2** correct?

00:05:04 **3** A. Somewhat.

00:05:05 **4** Q. And that was in order to recruit students to go
00:05:08 **5** to school overseas to learn to be doctors?

00:05:12 **6** A. As I understood it, yes.

00:05:15 **7** Q. And in addition to that, there was some
00:05:16 **8** discussion that you had with Mr. El-Hindi regarding
00:05:19 **9** recruiting individuals to go to work overseas in Dubai;
00:05:25 **10** you remember that?

00:05:27 **11** A. Vaguely.

00:05:30 **12** Q. You were; is that correct?

00:05:32 **13** A. You mean as far as the Bin Laden Group?

00:05:38 **14** Q. Yes.

00:05:38 **15** A. Yes, there was some mention of that.

00:05:40 **16** Q. What is the Bin Laden Group? That's not Osama
00:05:46 **17** Bin Laden, is it?

00:05:47 **18** A. Not that I know of.

00:05:48 **19** Q. In fact, it's one of the world's largest
00:05:50 **20** construction companies. Are you familiar with that?

00:05:53 **21** A. I'm not. I know it's pretty good.

00:05:55 **22** Q. And it's a legitimate business, to your
00:05:57 **23** knowledge?

00:05:58 **24** A. Yes.

00:05:59 **25** Q. Pardon me?

00:06:00 **1** A. I would assume, yes.

00:06:01 **2** Q. And you and Mr. El-Hindi were discussing

00:06:03 **3** recruiting workers to go there to Dubai; is that

00:06:11 **4** correct?

00:06:11 **5** A. We'd have to refer to the tape.

00:06:17 **6** Q. Sure.

00:06:17 **7** A. To --

00:06:18 **8** Q. Please feel free to open up to January 28, 2004,

00:06:22 **9** and see if that clip that's set up there for you on page

00:06:26 **10** 6, I believe, refreshes your recollection.

00:06:29 **11** A. The first tab?

00:06:31 **12** Q. I beg your pardon?

00:06:33 **13** A. The first tab? Because I don't have dates. I

00:06:38 **14** only have some numbers.

00:06:48 **15** MR. SOFER: Is there a 1D number, counsel?

00:06:51 **16** MR. BOSS: Yes, sir.

00:06:53 **17** Notice the date in parentheses?

00:06:57 **18** A. What date was that again? I'm sorry.

00:07:05 **19** Q. January 28, 2004, this would be 1D62, what we've

00:07:15 **20** identified as Clip 3.

00:07:19 **21** MR. SOFER: Can you give the witness a page

00:07:21 **22** number?

00:07:23 **23** MR. BOSS: I am going to give him a page

00:07:26 **24** number. Page 6.

00:07:29 **25** A. Page 6, you said?

00:07:31 **1** Q. Yes, sir.

00:07:42 **2** A. Can I open this?

00:07:43 **3** Q. I beg your pardon?

00:07:44 **4** A. Can I open this?

00:07:45 **5** Q. If you like.

00:07:46 **6** A. Do you want me to go ahead and read it?

00:07:58 **7** Q. Please, if it refreshes your recollection.

00:08:35 **8** A. Okay.

00:08:36 **9** Q. Now, on that date do you recall now that you were

00:08:39 **10** urging Mr. El-Hindi to start building capital?

00:08:43 **11** A. Yes.

00:08:45 **12** Q. And you were pushing him towards these business

00:08:48 **13** interests of recruiting students and recruiting workers

00:08:51 **14** to go overseas?

00:08:52 **15** A. No, I wouldn't say I was pushing him.

00:08:54 **16** Q. You were participating with him on those

00:08:56 **17** legitimate business ventures?

00:08:58 **18** A. Only partly. The whole recruiting is only partly

00:09:02 **19** because we talk about a sheik in here.

00:09:07 **20** Q. What sheik were you referring to?

00:09:09 **21** A. I don't know. I never gathered enough

00:09:11 **22** information, but I wanted -- I asked a few times what

00:09:14 **23** that sheik's name is.

00:09:18 **24** Q. What does a sheik mean to you?

00:09:19 **25** A. Spiritual advisor; spiritual leader. Old man

00:09:24 **1** also.

00:09:25 **2** Q. Old man?

00:09:26 **3** A. Well, that's what --

00:09:27 **4** Q. Person you respect?

00:09:28 **5** A. Could be.

00:09:29 **6** Q. Was it your understanding that Mr. El-Hindi had a

00:09:31 **7** brother who lived in Dubai --

00:09:33 **8** A. Yes, that was my understanding.

00:09:34 **9** Q. -- who knew a sheik, and there was discussion of

00:09:37 **10** recruiting for business purposes over there?

00:09:40 **11** A. Yes, but that's only half of it.

00:09:43 **12** Q. What's the other half?

00:09:44 **13** A. And also so we could teach people my kind of

00:09:47 **14** training also.

00:09:48 **15** Q. What type of training is that?

00:09:49 **16** A. Training for jihad, how I understood.

00:09:53 **17** Q. And that's what you told Mr. El-Hindi?

00:09:54 **18** A. No, I was told that by Mr. El-Hindi -- well,

00:09:59 **19** that's from the discussion and everything. That's what

00:10:01 **20** I gathered out of it.

00:10:03 **21** Q. On that day?

00:10:05 **22** A. No, from reading this. I'm just regurgitating

00:10:09 **23** things that Mr. El-Hindi said before. And I'm, like,

00:10:12 **24** well --

00:10:13 **25** Q. Was that recorded?

00:10:15 **1** A. I can't recall.

00:10:17 **2** Q. You don't recall whether you recorded Mr.

00:10:20 **3** El-Hindi saying he wanted to recruit people to train for

00:10:23 **4** jihad with you?

00:10:24 **5** A. It didn't come out -- once again, ambiguous, I

00:10:29 **6** guess you'd call it, where that was just one or more of

00:10:31 **7** those things because that's how the whole Bin Laden

00:10:34 **8** Group and the sheik over there, that's how it all came

00:10:36 **9** up. I didn't create any of that. That was Mr.

00:10:42 **10** El-Hindi.

00:10:42 **11** Q. Was it your understanding that the Bin Laden

00:10:44 **12** group was a legitimate business enterprise?

00:10:49 **13** A. I couldn't tell you. You hear the name. I

00:10:52 **14** don't know if it's legitimate or not. That's up to the

00:10:55 **15** government.

00:10:55 **16** Q. You didn't know?

00:10:56 **17** A. Didn't know.

00:11:04 **18** Q. You were urging Mr. El-Hindi to set up or get an

00:11:07 **19** office?

00:11:07 **20** A. It was just one of those steps. I wasn't urging

00:11:11 **21** him. Just as you admitted also that, you know, he comes

00:11:15 **22** up with these business ideas and, you know, I was busy

00:11:20 **23** once again at this time; he's not being the only one,

00:11:24 **24** and I wanted to simply, hey, okay, let's get an office.

00:11:27 **25** Q. Okay. So that office was for recruiting people

00:11:31 **1** for the purpose of jihad, or to train them to do jihad?

00:11:38 **2** **A.** It was for the EMSS thing and whatever else he

00:11:41 **3** had thought of to build capital.

00:11:50 **4** **Q.** You urged him to build capital, right?

00:11:53 **5** **A.** I think it was a mutual thing. I just repeated

00:11:58 **6** it once again.

00:12:00 **7** **Q.** Mr. El-Hindi didn't say build capital there; you

00:12:03 **8** did. Isn't that correct?

00:12:04 **9** **A.** There in that statement?

00:12:05 **10** **Q.** Yes.

00:12:06 **11** **A.** No, I did.

00:12:07 **12** **Q.** Why don't we talk about whether you recall

00:12:10 **13** speaking with Mr. El-Hindi on February 3, 2004. Do you

00:12:16 **14** recall having discussions with him on that day about

00:12:19 **15** pursuing a legitimate business of recruiting? You said

00:12:23 **16** at that time -- and you do you recall saying at that

00:12:26 **17** time that you were writing a business plan for a

00:12:29 **18** recruiting office?

00:12:30 **19** **A.** Is it in here?

00:12:32 **20** **Q.** Sure.

00:12:33 **21** **A.** What page?

00:12:33 **22** **Q.** February 3 of '04. And I believe that that

00:12:38 **23** would be page 5.

00:12:41 **24** MR. BOSS: For the record, 1D63. 1D63,

00:12:51 **25** February 3, 2004.

00:12:59 **1** A. Yes, I did say that.

00:13:03 **2** Q. You said that you were writing a business plan?

00:13:08 **3** A. Yes.

00:13:09 **4** Q. You don't write a business plan for a terrorist

00:13:14 **5** jihad training group, do you?

00:13:15 **6** A. No, but you do for a business.

00:13:16 **7** Q. So it was a legitimate business that you were

00:13:19 **8** talking about recruiting people for?

00:13:21 **9** A. If you're referring to the EMSS, yes.

00:13:26 **10** Q. But Mr. El-Hindi also already had EMSS going.

00:13:30 **11** This was talking about other recruiting, wasn't it?

00:13:33 **12** A. You mean -- you're talking about the Dubai thing?

00:13:36 **13** Q. Yes, sir.

00:13:37 **14** A. He wanted an area to work out of to make it more

00:13:41 **15** legitimate instead of -- he might have established the

00:13:44 **16** EMSS, but it was out of his car or van or whatever.

00:13:48 **17** It's not out of an actual office place. And he wanted

00:13:52 **18** me to write the business plan because I had wrote the

00:13:54 **19** business plan for my security company, so -- and that's

00:13:58 **20** one of the things I told him to do, simply, hey, get a

00:14:00 **21** business plan, get this thing down. Somehow or the

00:14:06 **22** other, I was the one that ended up saying, okay, I'll do

00:14:09 **23** it.

00:14:09 **24** Q. You went to the library to write a business plan

00:14:12 **25** on that, didn't you?

00:14:13 **1** A. We went to a library -- the library a couple
00:14:20 **2** times.

00:14:20 **3** Q. That's a yes?

00:14:22 **4** A. I was showing him the templates on how to write a
00:14:26 **5** business plan.

00:14:27 **6** Q. And Mr. El-Hindi wanted you to be the
00:14:29 **7** spokesperson, the front man for EMSS because you didn't
00:14:33 **8** have the traditional Islamic beard and otherwise look as
00:14:37 **9** an Arab?

00:14:40 **10** A. That's not correct. I had a beard. He wanted
00:14:43 **11** me to find a Caucasian.

00:14:44 **12** Q. While you were here in Toledo, you had a beard?

00:14:47 **13** A. Yes.

00:14:47 **14** Q. This is back in 2002 -- pardon me, 2004?

00:14:50 **15** A. Yes, sir.

00:14:52 **16** Q. Do you recall Mr. El-Hindi suggesting to you that
00:14:54 **17** you should go speak to Mayor Jack Ford at that time to
00:14:58 **18** promote --

00:14:59 **19** A. To go with him, yes.

00:15:01 **20** Q. To do what?

00:15:02 **21** A. He wanted me to go several places to speak to
00:15:07 **22** people about EMSS.

00:15:08 **23** Q. And also to Congresswoman Marcie Kaptur?

00:15:11 **24** A. I can't recall. Like I said, he said a lot of
00:15:16 **25** people.

00:16:01 **1** Q. Now, also on that date you discussed with Marwan

00:16:07 **2** El-Hindi the possibility of starting a halfway house; do

00:16:12 **3** you remember that?

00:16:14 **4** A. I don't know if it was on this date, but I can

00:16:17 **5** vaguely recall that.

00:16:18 **6** Q. I'll direct your attention to page 15 there. See

00:16:21 **7** if that helps.

00:16:44 **8** A. Yes.

00:16:46 **9** Q. And what is a halfway house?

00:16:48 **10** A. I think in this context, he had been -- Mr.

00:16:53 **11** El-Hindi had been going up to the prison meeting an

00:16:58 **12** imam, and I guess there's -- for probation or halfway

00:17:04 **13** release, instead of release them back to their homes or

00:17:09 **14** something, there's, like, a halfway house to get back

00:17:12 **15** into -- people that served in prison back into society.

00:17:15 **16** Q. And Mr. El-Hindi shared with you that he thought

00:17:17 **17** he could get a grant for the funding of this too, didn't

00:17:20 **18** he?

00:17:20 **19** A. Yeah, I believe so.

00:17:29 **20** Q. You said: Let's go back to the recruiting thing.

00:17:31 **21** Do you remember saying that?

00:17:40 **22** A. I can't recall with him.

00:17:44 **23** Q. I'm sorry?

00:17:44 **24** A. I say: So let's go back to your recruiting with

00:17:48 **25** him then, but I can't recall who is "him."

00:17:53 **1** Q. Then you said: We've got to do a business plan?

00:17:55 **2** A. Yes.

00:17:58 **3** Q. Do you do a business plan for a jihadist

00:18:01 **4** recruiting? You don't, right?

00:18:03 **5** A. Once again, that might not be the same

00:18:05 **6** recruiting.

00:18:30 **7** Q. I'd like to direct your attention to June 23,

00:18:33 **8** 2004, a recording; ID76, case 66747.

00:18:50 **9** Now, Mr. Griffin, do you remember on that date

00:19:06 **10** Marwan speaking about setting up a charity in Egypt for

00:19:10 **11** orphans?

00:19:10 **12** A. Can I go through it?

00:19:12 **13** Q. Yes, sir. Actually, the entire clip runs from

00:19:15 **14** pages 2 through 8.

00:19:29 **15** A. Do you want me to read the whole thing?

00:19:32 **16** Q. As matter of fact, I believe that the government

00:19:35 **17** played a portion of this.

00:19:36 **18** A. Yes. So read the whole thing?

00:19:41 **19** Q. I believe that the government played a portion of

00:19:43 **20** this in the direct case. We'd like to play some

00:19:46 **21** additional portion so that we can hear it in context.

00:19:52 **22** MR. SOFER: No objection, Judge, as long as

00:19:54 **23** they play the whole -- what we played and they played.

00:20:01 **24** THE COURT: Let's make sure you have working

00:20:05 **25** headphones.

00:20:58 **1** (Audio played.)

00:22:28 **2** MR. BOSS: Let's stop there.

00:22:31 **3** Do I have a volume control on the lapel

00:22:34 **4** mike? Could we turn that down a little, please.

00:22:41 **5** MR. SOFER: Counsel, if he could just have a

00:22:44 **6** signal without saying anything --

00:22:51 **7** MR. BOSS: Thank you. That's a good

00:22:53 **8** suggestion. It caught my ears, too.

00:22:55 **9** THE COURT: Now that we're all awake, you

00:22:59 **10** may resume.

00:23:00 **11** BY MR. BOSS:

00:23:00 **12** Q. Mr. Griffin, there was discussion there obviously

00:23:03 **13** of establishing a charity in Egypt for orphans; isn't

00:23:08 **14** that true?

00:23:08 **15** A. Yes, that's true.

00:23:15 **16** Q. And there was discussion about someone coming

00:23:19 **17** from Chicago. Do you remember who that was referring

00:23:21 **18** to?

00:23:21 **19** A. I believe it was his brother and Zubair and

00:23:26 **20** Khaleel.

00:23:26 **21** Q. His brother is Yousef El-Hindi?

00:23:28 **22** A. Yes. That's the one that I thought was --

00:23:30 **23** Q. Dr. Yousef El-Hindi?

00:23:33 **24** A. I guess he's a doctor.

00:23:35 **25** Q. Medical doctor?

00:23:37 **1** A. Uh-huh.

00:23:38 **2** Q. And he was a participant in the EMSS business

00:23:40 **3** that Mr. El-Hindi had?

00:23:41 **4** A. Yes. From my understanding I thought he was the
00:23:44 **5** guy over in Bratislava.

00:23:49 **6** Q. Spell it. Bratislava, Slovakia, I believe.

00:24:01 **7** Which I'm not going to try to spell either.

00:24:06 **8** Q. There was discussion in this phone call with you

00:24:12 **9** about them coming the next day; is that correct?

00:24:15 **10** A. So far, yes.

00:24:17 **11** Q. Did you meet with Zubair and Khaleel that next

00:24:21 **12** day?

00:24:23 **13** A. I don't think I did.

00:24:24 **14** Q. In fact, you only met with Zubair and Khaleel

00:24:28 **15** Ahmed one time, and that's at the ICNA conference; isn't

00:24:33 **16** that correct?

00:24:33 **17** A. Yes.

00:24:38 **18** Q. Now Mr. El-Hindi, Marwan El-Hindi, is someone who

00:24:42 **19** you said previously, months earlier here, was talking to

00:24:47 **20** you about recruiting for jihad, jihad training over in

00:24:54 **21** Europe, and he is having those discussions with you.

00:24:57 **22** That's what you told us moments ago?

00:24:59 **23** A. Recruiting for jihad over in Europe.

00:25:01 **24** Q. I understood you to say when we were talking a

00:25:04 **25** moment ago about recruiting for business purposes,

00:25:08 **1** security you said, and you said, well, you think or you
00:25:11 **2** understood it to mean for jihad, your type of training.

00:25:16 **3** Did I misunderstand that?

00:25:17 **4** **A.** It's a two-prong thing. There's the legitimate
00:25:22 **5** side, which is the recruiting. Then there's also
00:25:26 **6** covering it, covering the legitimate side with the
00:25:31 **7** recruiting for jihad.

00:25:32 **8** **Q.** And you indicated to us that you and Marwan
00:25:34 **9** El-Hindi had had discussions, whether recorded or not,
00:25:39 **10** that made it clear, if I understood what you were
00:25:43 **11** saying, that Marwan knew that you were going to train
00:25:46 **12** people for the purposes of violent jihad. Did I get
00:25:49 **13** that right?

00:25:50 **14** **A.** Yes, that's Zubair. He brought me Zubair and
00:25:55 **15** Khaleel.

00:25:55 **16** **Q.** Well, they were coming the next day after this
00:25:58 **17** phone call, but he didn't introduce them to you, did he?

00:26:01 **18** **A.** No, he did not.

00:26:07 **19** **Q.** Now, there is a point in this where in this call
00:26:11 **20** that we'll be hearing where Marwan El-Hindi says to you
00:26:14 **21** that the boys wanted to train, do you remember that?

00:26:17 **22** **A.** Vaguely, yes.

00:26:18 **23** **Q.** And as soon as he says that, he laughs. Do you
00:26:22 **24** remember him laughing after he says that?

00:26:24 **25** **A.** We have to play it again.

00:26:25 **1** Q. All right. Let's continue playing the tape.

00:26:28 **2** A. Thank you.

00:26:33 **3** (Audio is played.)

00:28:34 **4** MR. SOFER: Can we approach for one second?

00:28:36 **5** I have a question about the tape.

00:28:40 **6** (Whereupon the following discussion was had

00:28:40 **7** at the bench outside the hearing of the jury:)

00:31:12 **8** (Sidebar 2 is sealed by order of the Court.)

00:31:20 **9** MR. BOSS: I'm going to run the risk of

00:31:24 **10** trying without the microphone. See what works best for

00:31:27 **11** folks.

00:31:29 **12** BY MR. BOSS:

00:31:29 **13** Q. Mr. Griffin, I asked that the tape be stopped at

00:31:33 **14** that point to ask what you understood Mr. El-Hindi to

00:31:35 **15** mean when he said that's his target right now.

00:31:39 **16** A. I believe to be the establishing the orphanage

00:31:45 **17** over in Egypt.

00:31:53 **18** MR. BOSS: Thank you. We can continue.

00:32:32 **19** (Audio played.)

00:33:43 **20** Q. Now, Mr. Griffin, you knew that Marwan El-Hindi

00:33:47 **21** and Dr. El-Hindi were in this EMSS recruiting business,

00:33:52 **22** right, recruiting students?

00:33:54 **23** A. At least from this conversation, yes.

00:34:00 **24** Q. You heard Mr. El-Hindi say that he was bringing

00:34:03 **25** the brothers who wanted to train, right?

00:34:06 **1** A. Two brothers.

00:34:07 **2** Q. Two brothers. And you heard him laugh after
00:34:10 **3** that?

00:34:10 **4** A. Yes.

00:34:10 **5** Q. What did you interpret his laugh as meaning?

00:34:13 **6** A. As training for jihad.

00:34:18 **7** Q. You knew that Mr. El-Hindi had stopped them from
00:34:21 **8** going to commit jihad in Egypt? He told you about that,
00:34:25 **9** didn't he?

00:34:26 **10** A. I don't know if it was before or after this, but
00:34:29 **11** he also -- he told me why also.

00:34:35 **12** Q. You knew that Mr. El-Hindi was training the boys
00:34:38 **13** in order to get involved in the EMSS business; isn't
00:34:41 **14** that correct?

00:34:42 **15** A. That is incorrect. I don't know about that
00:34:45 **16** part. I just know about the part I was supposed to
00:34:48 **17** play.

00:34:49 **18** Q. When Mr. El-Hindi indicated that they have a lot
00:34:53 **19** of energy, you understood him to mean they were into
00:34:58 **20** exercise?

00:34:59 **21** MR. SOFER: Objection as to what Mr. El-Hindi
00:35:01 **22** meant.

00:35:02 **23** THE COURT: No, what did you understand. I
00:35:05 **24** think that's fair.

00:35:06 **25** BY MR. BOSS:

00:35:06 **1** A. Once again, I didn't meet these guys yet. So
00:35:11 **2** when he said a lot of energy as far as training for --
00:35:15 **3** to fight.

00:35:16 **4** Q. Had Mr. El-Hindi already told you that when he
00:35:19 **5** brought them back from Egypt that they had been caught
00:35:22 **6** with steroids at the airport with their father?

00:35:26 **7** A. I can't recall.

00:35:28 **8** Q. You were aware of that fact, weren't you?

00:35:33 **9** A. I can't recall.

00:36:42 **10** Q. Let me ask you about the convention that you went
00:36:46 **11** to in Chicago, the ICNA convention. Do you remember
00:36:51 **12** that?

00:36:51 **13** A. Yes, sir.

00:36:52 **14** THE COURT: It was in Cleveland, wasn't it?

00:36:56 **15** BY MR. BOSS:

00:36:56 **16** Q. Was it in Cleveland?

00:36:57 **17** A. Cleveland, yes. I'm sorry for not correcting
00:37:00 **18** you.

00:37:00 **19** Q. The ICNA convention, could you describe that for
00:37:03 **20** us? What is that about?

00:37:05 **21** A. I don't understand. What do you mean, what's it
00:37:10 **22** about?

00:37:11 **23** Q. It's a convention of what?

00:37:13 **24** A. Just basically a bunch of seminars and teachings
00:37:18 **25** and things like that of --

00:37:24 **1** THE COURT: Mr. Boss, can you remind me? I
00:37:26 **2** forgot what the acronym stands for.
00:37:30 **3** MR. BOSS: Islamic --
00:37:32 **4** MR. HARTMAN: -- circle of North America.
00:37:36 **5** MR. BOSS: Islamic Circle of North America.
00:37:49 **6** Q. You were working for a charity called KindHearts?
00:37:52 **7** A. Yes, sir.
00:37:52 **8** Q. The KindHearts charity, what was its purpose
00:37:57 **9** ostensibly as far as you understood?
00:38:00 **10** MR. SOFER: Objection as to relevance, Judge.
00:38:01 **11** THE COURT: I'll let him answer a couple
00:38:03 **12** questions on this.
00:38:04 **13** MR. BOSS: Just foundation.
00:38:05 **14** BY MR. BOSS:
00:38:05 **15** Q. What type of charity was this?
00:38:07 **16** A. To help gather funds in the United States and
00:38:11 **17** disburse them over in certain places in the world.
00:38:15 **18** Q. Mostly for purposes of benefitting people of an
00:38:18 **19** Islamic faith?
00:38:19 **20** MR. SOFER: Objection as to relevance, Your
00:38:23 **21** Honor.
00:38:23 **22** THE COURT: I would agree.
00:38:30 **23** MR. HARTMAN: Judge, may we approach?
00:38:37 **24** (Sidebar discussion 3 sealed by order of the
00:38:37 **25** Court.)

00:40:00 **1** THE JUROR: When they start that, can they
00:40:02 **2** make sure we're all ready?

00:40:04 **3** THE COURT: And the Judge, too.

00:40:06 **4** MR. BOSS: Yes, sir.

00:40:07 **5** THE COURT: Not just the defense. Go
00:40:11 **6** ahead. That's a fair point. I'm sometimes a little
00:40:15 **7** slow myself.

00:40:16 **8** MR. BOSS: I apologize.

00:40:18 **9** They're probably keeping score on how many
00:40:21 **10** times I have to apologize.

00:40:24 **11** BY MR. BOSS:

00:40:25 **12** Q. Mr. Griffin, this conference that you went to,
00:40:26 **13** the ICNA conference, you had planned to go to that for
00:40:29 **14** quite some time; is that correct?

00:40:33 **15** A. I don't know what you mean, "for quite some
00:40:35 **16** time." That was part of my duties as working for
00:40:38 **17** KindHearts.

00:40:39 **18** Q. So you knew for a couple of months you were going
00:40:42 **19** to be going there?

00:40:43 **20** A. I wouldn't say that, because it's not up to me.

00:40:45 **21** Q. A couple weeks?

00:40:47 **22** A. At least two weeks possibly.

00:40:50 **23** Q. And Mr. El-Hindi didn't know you were going there
00:40:52 **24** until about two days before the conference; you recall
00:40:54 **25** that, don't you?

00:40:55 **1** MR. SOFER: Objection as to what Mr. El-Hindi
00:40:57 **2** knows.

00:40:58 **3** THE COURT: I agree.

00:40:58 **4** BY MR. BOSS:

00:40:58 **5** Q. Had you told Mr. El-Hindi prior to the two days
00:41:01 **6** before the conference on a phone call that you were
00:41:03 **7** going to be there as well?

00:41:07 **8** A. I remember telling him where I was going to be,
00:41:10 **9** yes.

00:41:10 **10** Q. At the conference?

00:41:11 **11** A. Yes.

00:41:11 **12** Q. And that was during a call that happened about
00:41:14 **13** two days before the conference?

00:41:15 **14** A. I believe so.

00:41:16 **15** Q. And during that call Mr. El-Hindi told you that
00:41:19 **16** he was going to bring Zubair and Khaleel with him to
00:41:22 **17** help at his table?

00:41:27 **18** A. I don't know about help at his table. From what
00:41:30 **19** I can remember, he was going to bring them too, yes.

00:41:32 **20** Q. He was going to bring them. They were all
00:41:34 **21** coming from Chicago?

00:41:37 **22** A. I guess.

00:41:37 **23** Q. And Mr. El-Hindi had a table for EMSS at this
00:41:45 **24** same conference; is that correct?

00:41:48 **25** A. They had a table, yes.

00:41:50 **1** Q. And they were working it as a business, that

00:41:52 **2** table, to promote their business?

00:41:54 **3** A. You know, it's really unclear what they were

00:41:57 **4** doing there because they were burning CDs while I was

00:42:00 **5** there, and I didn't really --

00:42:03 **6** Q. Were they passing out brochures?

00:42:05 **7** A. I can't recall.

00:42:06 **8** Q. Where was your table at for KindHearts in

00:42:09 **9** relation to where theirs was?

00:42:12 **10** A. Upstairs in the entrance of the conference.

00:42:16 **11** Q. It's on more than one floor?

00:42:18 **12** A. Yes, sir.

00:42:19 **13** Q. So your table is upstairs on a floor, and theirs

00:42:24 **14** is a floor below?

00:42:25 **15** A. Yes, sir.

00:42:27 **16** Q. Is this, like, a gymnasium or auditorium room?

00:42:30 **17** A. The Cleveland Convention Center.

00:42:32 **18** Q. Were there a lot of people at this?

00:42:34 **19** A. I thought there were a lot.

00:42:37 **20** Q. Possibly hundreds or thousands or --

00:42:39 **21** A. A few thousand.

00:42:43 **22** Q. So it's a public gathering?

00:42:45 **23** A. Yes.

00:42:45 **24** Q. How many days long is it, and how many days were

00:42:48 **25** you there?

00:42:48 **1** A. I was there from that Thursday to -- I believe it
00:42:56 **2** was over on Sunday. I'm guessing, but at least that.

00:43:03 **3** Q. You were there three or four days?

00:43:05 **4** A. Yes, sir.

00:43:06 **5** Q. And Mr. El-Hindi knew that you were there for

00:43:08 **6** that same period of time; is that correct? Or you told

00:43:11 **7** him you would be there during that period of time?

00:43:14 **8** A. He knew I'd be working for KindHearts that whole

00:43:19 **9** time, so --

00:43:19 **10** Q. And you stayed in Cleveland during that time of

00:43:22 **11** the conference?

00:43:23 **12** A. I came -- I went to set up on Thursday, came back

00:43:27 **13** to Toledo, and then returned Friday and stayed the

00:43:30 **14** duration.

00:43:32 **15** Q. And do you know how long Mr. El-Hindi was there

00:43:35 **16** at that conference?

00:43:38 **17** A. I can't recall.

00:43:39 **18** Q. Now, this was over the 4th of July holiday?

00:43:43 **19** A. Yes, sir.

00:43:44 **20** Q. Of 2004?

00:43:46 **21** A. Yes, sir.

00:43:47 **22** Q. And at that time, you knew that Zubair and

00:43:52 **23** Khaleel were going to be there as well with Mr.

00:43:54 **24** El-Hindi?

00:43:55 **25** A. He told me that they possibly would be there,

00:44:00 **1** him, himself, and that he'd bring the two guys.

00:44:03 **2** **Q.** At a point during this conference you went from

00:44:06 **3** the second floor upstairs down to where Mr. El-Hindi and

00:44:13 **4** Zubair and Khaleel were at the EMSS booth; is that

00:44:19 **5** correct?

00:44:19 **6** **A.** Yes, I was invited.

00:44:21 **7** **Q.** You were invited by whom?

00:44:23 **8** **A.** I believe I was invited by at least Zubair and

00:44:28 **9** Khaleel and Mr. El-Hindi.

00:44:30 **10** **Q.** How did they invite you?

00:44:31 **11** **A.** I think the first contact that I had was on the

00:44:36 **12** 3rd, and I believe the video shows that they were --

00:44:43 **13** they came up to the KindHearts booth on the 3rd of July.

00:44:47 **14** **Q.** There was a video of them coming to the

00:44:49 **15** KindHearts booth on the 3rd of July?

00:44:52 **16** **A.** At least Zubair and Khaleel, yes.

00:44:54 **17** **Q.** Did Mr. El-Hindi accompany them?

00:44:56 **18** **A.** I can't recall.

00:45:13 **19** (Discussion had off the record.)

00:45:33 **20** **Q.** Now, you also wore a video device, a video

00:45:37 **21** recording device on the following day on the 4th; isn't

00:45:40 **22** that correct?

00:45:40 **23** **A.** Yes, sir.

00:45:41 **24** **Q.** At that time you came down to their booth?

00:45:44 **25** **A.** Yes, sir.

00:45:45 **1** Q. And I believe that we do have a video which we'll
00:45:49 **2** be playing, and it is from July 4th, 2004. 1D77-66747.

00:46:34 **3** Mr. Griffin, I'm going to have this video
00:46:36 **4** recording played, and you'll be able to watch it as we
00:46:38 **5** will. And among the things I want you to pay attention
00:46:42 **6** to are whether Mr. El-Hindi is present and within
00:46:46 **7** earshot of what you're saying to Zubair and Khaleel; and
00:46:50 **8** when he is, what types of things you are saying to them,
00:46:53 **9** okay?

00:46:54 **10** A. Okay.

00:46:56 **11** MR. SOFER: Just object to what "earshot"
00:46:58 **12** means, Your Honor.

00:47:00 **13** MR. BOSS: Whether he is within your range
00:47:02 **14** of him hearing you.

00:47:04 **15** MR. SOFER: Only one person can testify to
00:47:05 **16** that.

00:47:06 **17** THE COURT: I would agree. If you've got
00:47:07 **18** some type of estimate in terms of distance or whatever,
00:47:13 **19** how long something was being said or whatever, maybe
00:47:17 **20** sort of describe the circumstances, either before,
00:47:20 **21** during, or after the conversation.

00:47:24 **22** MR. BOSS: Go ahead and play the tape,
00:47:26 **23** please.

00:47:27 **24** MR. SOFER: Counsel, could you give us pages.

00:47:30 **25** MR. BOSS: We're playing the entire tape.

00:47:50 **1** (Video played.)

00:48:08 **2** BY MR. BOSS:

00:48:08 **3** **Q.** A moment ago we saw an image that appeared to be

00:48:11 **4** Marwan El-Hindi. Is that him?

00:48:13 **5** **A.** Yes.

00:48:17 **6** MR. BOSS: Thank you.

00:48:18 **7** **A.** That's at the KindHearts table, by the way.

00:48:47 **8** MR. BOSS: Ladies and gentlemen, apparently

00:48:49 **9** the video clip we just -- we've been playing is from the

00:48:53 **10** day before, 7/3. It is only a few moments long, as I

00:48:56 **11** understand it, and we will continue to play it, then it

00:48:59 **12** will move from there into the following day, 7/4, the

00:49:03 **13** video clip, thank you.

00:49:54 **14** (Video played).

00:50:42 **15** MR. SOFER: Just to be clear, Your Honor,

00:50:44 **16** that was also the 3rd, I believe.

00:50:50 **17** MR. HARTMAN: Section 9 is the 4th.

00:51:00 **18** (Video played.)

00:51:42 **19** BY MR. BOSS:

00:51:43 **20** **Q.** Mr. Griffin, in my -- we've just heard Zubair or

00:51:47 **21** Khaleel telling you about having a projector and stuff,

00:51:52 **22** and they're going to try to do something where they have

00:51:55 **23** a lot of equipment. Did you understand that they were

00:51:58 **24** talking about participating in a presentation on behalf

00:52:01 **25** of EMSS?

00:52:04 **1** A. Yeah, I think I gathered that.

00:52:08 **2** Q. So they were apparently working on behalf of EMSS

00:52:11 **3** at this convention and intending to participate further

00:52:15 **4** with them at other conventions in the future?

00:52:18 **5** A. I don't know about the future, but --

00:52:22 **6** MR. BOSS: Thank you. We can move on.

00:52:47 **7** (Video played.)

00:52:48 **8** BY MR. BOSS:

00:52:48 **9** Q. Mr. Griffin, you're the first person who brings

00:52:51 **10** up explosives and stuff like that in this conversation;

00:52:54 **11** am I correct?

00:52:56 **12** A. Yeah. During this conversation, yes.

00:52:59 **13** Q. Had you spoken to Zubair and Khaleel about

00:53:02 **14** explosives before this conversation?

00:53:04 **15** A. I may have. Given the video being on and off,

00:53:10 **16** I'm sure that they had came up or we had met and they

00:53:16 **17** had said something because I wouldn't have just said

00:53:19 **18** explosives, or something like that. So they had to

00:53:22 **19** indicate to me that they knew what kind of things I

00:53:25 **20** could provide.

00:53:25 **21** Q. But that wasn't on any recording that you're

00:53:28 **22** aware of?

00:53:30 **23** A. None -- no.

00:53:34 **24** MR. BOSS: We can go on.

00:53:35 **25** (Video played.)

00:57:47 **1** BY MR. BOSS:

00:57:55 **2** Q. Was that Marwan El-Hindi in the background of

00:57:57 **3** that frame in the middle with the beard, with his

00:58:02 **4** back --

00:58:03 **5** A. I can't recall.

00:58:05 **6** Q. Do you recognize that the individual -- there are

00:58:10 **7** two individuals somewhat with their back to the frame --

00:58:13 **8** A. Yes.

00:58:13 **9** Q. -- or three. You have Zubair and Khaleel who

00:58:17 **10** are closest to you?

00:58:17 **11** A. Yes.

00:58:18 **12** Q. And there are two other -- do you recognize Dr.

00:58:21 **13** Yousef El-Hindi?

00:58:22 **14** A. Yes, I believe that's him.

00:58:24 **15** Q. And do you recognize Marwan El-Hindi?

00:58:26 **16** THE COURT: Which one of the --

00:58:28 **17** THE WITNESS: On the right with the beard,

00:58:30 **18** standing.

00:58:30 **19** THE COURT: Far right?

00:58:31 **20** THE WITNESS: Not far right, middle.

00:58:35 **21** Q. And the next --

00:58:37 **22** MR. BOSS: Who has a pointer? That was

00:58:39 **23** good.

00:58:39 **24** BY MR. BOSS:

00:58:41 **25** Q. The next one -- here, is this Marwan El-Hindi, or

00:58:44 **1** can you tell?

00:58:45 **2** **A.** I believe so.

00:58:46 **3** **Q.** And he is standing far enough away from you so --

00:58:51 **4** do you believe he was able to hear what you were saying

00:58:54 **5** to Zubair and Khaleel at that time?

00:58:56 **6** **A.** Do I believe?

00:58:57 **7** **Q.** Yes.

00:58:58 **8** **A.** I don't know what he could hear.

00:59:01 **9** THE COURT: Do you recall whether you could

00:59:03 **10** hear him saying anything?

00:59:07 **11** THE WITNESS: I was focused on the

00:59:09 **12** conversation, Your Honor.

00:59:12 **13** THE COURT: Pardon?

00:59:12 **14** THE WITNESS: I was kind of focused on the

00:59:14 **15** conversation at hand.

01:06:02 **16** BY MR. BOSS:

01:06:03 **17** **Q.** Now, Mr. Griffin, up to this point, this

01:06:05 **18** conversation has been rather inflammatory; you would

01:06:08 **19** agree?

01:06:11 **20** **A.** Talking about training?

01:06:12 **21** **Q.** Yes, sir.

01:06:13 **22** **A.** I would say.

01:06:15 **23** **Q.** Okay. You were telling them how you were going

01:06:19 **24** to train Zubair and Khaleel, how you could offer basic

01:06:22 **25** weapons training and sniper training and so forth?

01:06:26 **1** A. And explosives, yes.

01:06:28 **2** Q. And Marwan El-Hindi was not there participating
01:06:30 **3** in that conversation, was he?

01:06:33 **4** A. I believe he was still, you know, standing back
01:06:37 **5** there, but once again, I'm focussed on the conversation.

01:06:42 **6** Q. Marwan El-Hindi did not participate in that
01:06:44 **7** conversation, did he?

01:06:45 **8** A. No. Participate, no.

01:06:47 **9** Q. Marwan El-Hindi was not involved in it in a way
01:06:53 **10** that was active in any sense; isn't that correct?

01:06:57 **11** A. You'd have to use your word. He didn't say
01:07:00 **12** anything, if that's what you're saying.

01:07:02 **13** Q. Now, a moment after this, we're going to continue
01:07:06 **14** the tape, and Mr. El-Hindi does come into the

01:07:08 **15** conversation, okay. Now, if you are intending for Mr.

01:07:14 **16** El-Hindi to know clearly what you're doing, you would

01:07:18 **17** have no reservations about saying it clearly to him,

01:07:22 **18** would you?

01:07:24 **19** A. But he already knows.

01:07:26 **20** Q. I'm asking about the conversation.

01:07:28 **21** A. This conversation here?

01:07:30 **22** Q. Yes, sir.

01:07:31 **23** A. I don't know what you're asking me. Put IT A
01:07:34 **24** different way.

01:07:36 **25** Q. Okay. Why don't we continue to play it, then

01:07:55 **1** I'll come back.

01:08:09 **2** MR. BOSS: Everyone ready?

01:08:14 **3** (Video played.)

01:16:12 **4** BY MR. BOSS:

01:16:13 **5** **Q.** Now, Mr. Griffin, let's go back and review a

01:16:15 **6** couple of the matters that were covered there in that

01:16:18 **7** conversation. When Mr. El-Hindi first came upon you

01:16:23 **8** and speaking to Zubair and Khaleel Ahmed, one of the

01:16:28 **9** first things that was discussed or the first thing that

01:16:32 **10** was discussed was having to do with doughnuts and health

01:16:36 **11** and figs and so forth. You were talking about how

01:16:43 **12** you're actually changing you're going to eat six small

01:16:47 **13** meals a day?

01:16:47 **14** **A.** Yes.

01:16:48 **15** **Q.** You said that you were in the training mode?

01:16:50 **16** **A.** Yes.

01:16:50 **17** **Q.** Now, that is conveying the impression certainly

01:16:53 **18** to Mr. El-Hindi that we're talking about physical

01:16:56 **19** fitness matters?

01:16:57 **20** **A.** One aspect of it, yes.

01:16:59 **21** **Q.** And Mr. El-Hindi said train me too?

01:17:01 **22** **A.** Yes.

01:17:03 **23** **Q.** And the very -- you said, of course. Then Zubair

01:17:07 **24** said are you going to do any cardiovascular? That, in

01:17:11 **25** front of Mr. El-Hindi, is talking about physical

01:17:13 **1** fitness, food, and exercise, isn't it?

01:17:17 **2** **A.** Yes.

01:17:22 **3** **Q.** Now, there was further discussion about you

01:17:24 **4** losing weight?

01:17:25 **5** **A.** Yes.

01:17:25 **6** **Q.** And needing to do swimming?

01:17:28 **7** **A.** Uh-huh.

01:17:33 **8** **Q.** Mr. El-Hindi said that we need to sit down with

01:17:35 **9** these two guys?

01:17:36 **10** **A.** Yes.

01:17:37 **11** **Q.** And in response to that you said, yeah, we talk a

01:17:40 **12** little bit right now, but, up, but you didn't say what

01:17:45 **13** you talk about, did you, with Mr. El-Hindi?

01:17:48 **14** **A.** By that time, to me, do you want my opinion.

01:17:51 **15** **Q.** No, sir. You did not talk to Mr. El-Hindi after

01:17:54 **16** he came back into that video frame that we just saw and

01:17:57 **17** tell him what you talked about, did you?

01:18:01 **18** **A.** Not at that point, no.

01:18:07 **19** **Q.** Mr. El-Hindi told you that he was going to go on

01:18:11 **20** to Toledo, and he said I'm bringing them to Toledo,

01:18:15 **21** right?

01:18:16 **22** **A.** Yes, I believe he made that statement.

01:18:18 **23** **Q.** Did Mr. El-Hindi, he did not bring them to you in

01:18:20 **24** Toledo, did he?

01:18:22 **25** **A.** He did not.

01:18:30 **1** Q. Now you told the boys in front of Mr. El-Hindi
01:18:32 **2** that there was a place in Toledo called Clelands to go
01:18:37 **3** shooting?

01:18:37 **4** A. Yes.

01:18:38 **5** Q. Now that is a place that it is legal to go
01:18:40 **6** shooting at, isn't that correct?

01:18:41 **7** A. Correct.

01:18:45 **8** Q. Mr. El-Hindi knew that you were fond of shooting
01:18:47 **9** because you have a military background?

01:18:50 **10** A. I don't know what he knows, but I made it clear.

01:18:55 **11** Q. You also spoke with Zubair about your wanting to
01:18:59 **12** get some sort of special large sniper rifle?

01:19:03 **13** A. A 50 caliber sniper rifle.

01:19:07 **14** Q. Yes?

01:19:07 **15** A. Yes.

01:19:08 **16** Q. Would that be legal for you to do?

01:19:10 **17** A. Yes.

01:19:17 **18** Q. You knew that the boys, Zubair and Khaleel were
01:19:20 **19** there in this convention helping Mr. El-Hindi with his

01:19:24 **20** EMSS group that they were learning how to work the booth

01:19:28 **21** with him and pass out brochures and speak with people?

01:19:31 **22** MR. SOFER: Objection asked and answered.

01:19:34 **23** THE COURT: I'll let you continue.

01:19:36 **24** MR. BOSS: It's a foundation for the next

01:19:38 **25** question.

01:19:38 **1** Q. You knew that didn't you?

01:19:39 **2** A. That was part of it.

01:19:42 **3** Q. And Mr. El-Hindi also said in this passage, we're

01:19:46 **4** trying to as I told you before, forming a group. You

01:19:51 **5** knew that he was forming a group in Chicago to do

01:19:53 **6** exactly the same thing, EMSS promotion for recruiting

01:19:57 **7** business students in Chicago -- or medical students, you

01:20:01 **8** knew that?

01:20:01 **9** A. That is not how I took that, sir.

01:20:13 **10** Q. You did say in front of them the biggest thing is

01:20:17 **11** security?

01:20:17 **12** A. Correct.

01:20:18 **13** Q. Why did you say that?

01:20:19 **14** A. Because of the training that we had just

01:20:21 **15** discussed.

01:20:21 **16** Q. You didn't discuss it with Mr. El-Hindi?

01:20:23 **17** MR. SOFER: Objection, Your Honor. The

01:20:25 **18** witness should be able to answer the question. He cut

01:20:30 **19** him off.

01:20:31 **20** THE COURT: Had you completed the prior

01:20:33 **21** answer.

01:20:35 **22** THE WITNESS: Aagain Your Honor.

01:20:37 **23** THE COURT: Had you completed the prior

01:20:38 **24** answer.

01:20:39 **25** THE WITNESS: No, sir.

01:20:40 **1** THE COURT: Come fleet prior answer.

01:20:44 **2** A. He came in clearly and was -- I mean you're

01:20:51 **3** asking me my opinion, and it's clearly he knew what we

01:20:55 **4** were talking about, to me. My opinion.

01:20:57 **5** Q. Then why did you say after that, they're after

01:21:00 **6** Muslims, you know?

01:21:01 **7** A. Because of the training that I was providing and

01:21:06 **8** if they were -- people were to see this, they would

01:21:11 **9** speculate it was for the wrong intent.

01:21:14 **10** Q. You had suggested to Mr. El-Hindi that it was

01:21:17 **11** proper to learn and train for self defense, correct?

01:21:21 **12** A. I did; it's proper.

01:21:27 **13** Q. Proper what?

01:21:28 **14** A. To learn how defend yourself, yes, it's proper.

01:21:32 **15** Q. You had suggested that to Mr. El-Hindi?

01:21:34 **16** A. At some point, I don't know if it was in this

01:21:36 **17** recording (.

01:21:40 **18** Q. Now, the next time you saw Mr. El-Hindi, after

01:21:43 **19** this ICNA convention, was one week later, July 15, 2004.

01:21:54 **20** An on that date you asked Mr. El-Hindi quite directly if

01:21:59 **21** he was recruiting for jihad, recruiting for jihad or one

01:22:06 **22** of the brothers over there. You asked him that

01:22:08 **23** question precisely and exactly and unambiguously?

01:22:14 **24** A. I believe I did.

01:22:16 **25** Q. And he told you no. You remember that, don't

01:22:20 **1** you?

01:22:21 **2** **A.** Yes, at that time, he had at that time.

01:22:26 **3** **Q.** He told you that he want to do take care of

01:22:28 **4** Zubair and Khaleel for their families?

01:22:31 **5** **A.** I believe he did.

01:22:36 **6** **Q.** You knew that he went to Egypt to save these boys

01:22:42 **7** and bring them back from their mission whatever they had

01:22:46 **8** on their mind to go over to the Middle East, isn't that

01:22:49 **9** correct?

01:22:51 **10** **A.** That he had went and got them?

01:22:53 **11** **Q.** Yes, sir.

01:22:53 **12** **A.** Yes. Yes, sir.

01:22:58 **13** **Q.** Now you're trying to have us believe that when

01:23:00 **14** Mr. El-Hindi says no, not for jihad, he's not recruiting

01:23:04 **15** for jihad, that he really meant yes?

01:23:07 **16** **MR. SOFER:** Objection, Judge.

01:23:09 **17** **THE COURT:** I think you're arguing. You

01:23:11 **18** can rephrase.

01:23:14 **19** **MR. BOSS:** Judge, we'd like to play the clip

01:23:18 **20** and ask comments after that, if we may.

01:23:20 **21** **THE COURT:** Okay. About how many more clips

01:23:22 **22** do you have?

01:23:37 **23** **MR. BOSS:** Well, Your Honor, the one most

01:23:39 **24** significant large one is the one from February 16, the

01:23:42 **25** dinner, which we will be playing in its entirety.

01:23:47 **1** MR. HARTMAN: Not today, though.

01:23:48 **2** MR. BOSS: We were anticipating doing that
01:23:50 **3** tomorrow. The remaining ones from this point.

01:23:55 **4** THE COURT: I was just curious.

01:23:59 **5** MR. BOSS: There are probably a dozen, but
01:24:01 **6** I'm not certain that we would need to play them all.

01:24:04 **7** THE COURT: Okay. Let's play the next one.

01:24:07 **8** MR. BOSS: If we could please play the clip
01:24:09 **9** from July 15, 2004.

01:24:13 **10** MR. SOFER: One moment, please.

01:24:32 **11** THE COURT: Did you say July 24?

01:25:42 **12** MR. BOSS: We're playing from page 27 to
01:25:45 **13** page 32.

01:26:08 **14** (Audio played.)

01:26:09 **15** MR. BOSS: Could we start that over ago, go
01:26:14 **16** back and start that over, when everyone's ready.

01:26:21 **17** (Audio played).

01:28:14 **18** MR. BOSS: And if we'll play the next clip
01:28:17 **19** please (audio played).

01:28:42 **20** MR. BOSS: Now, Mr. Griffin, Marwan El-Hindi
01:28:44 **21** went over -- this is a week of you met with Zubair and
01:28:48 **22** Khaleel at the ICNA convention and had your discussion
01:28:52 **23** with them.

01:28:52 **24** A. Yes, sir.

01:28:53 **25** Q. And you knew that they were supposed to be in

01:28:57 **1** Toledo the following day but they didn't see you?

01:29:01 **2** **A.** That was, I think -- I believe that was

01:29:03 **3** speculative.

01:29:06 **4** THE COURT: I didn't.

01:29:07 **5** THE WITNESS: I believe that was

01:29:08 **6** speculative. He was going to try to be in Toledo.

01:29:10 **7** That's how I took it.

01:29:12 **8** **Q.** You didn't see them thereafter?

01:29:15 **9** **A.** I didn't.

01:29:17 **10** **Q.** And you and Mr. El-Hindi discussed specifically

01:29:20 **11** that he went over to Egypt, he went all the way to Egypt

01:29:23 **12** and he stopped them?

01:29:24 **13** **A.** Yes.

01:29:25 **14** **Q.** Stopped them from what?

01:29:26 **15** **A.** Because they didn't have any training, he stopped

01:29:30 **16** them from what I gather from going to do jihad without

01:29:34 **17** any training.

01:29:36 **18** **Q.** And he never thereafter put them together with

01:29:39 **19** you for any training, did he?

01:29:40 **20** **A.** He did not, no.

01:29:43 **21** MR. SOFER: Judge, can we approach for one

01:29:46 **22** moment? Actually, we don't have to. There's a portion

01:29:49 **23** that was missing. That counsel was played a chunk that

01:29:53 **24** was missing. I'd like an opportunity to play that

01:29:56 **25** whole piece, what was in between the two, if it's

01:29:59 **1** acceptable to counsel.

01:30:00 **2** MR. BOSS: Sure, no problem.

01:30:05 **3** THE COURT: Why don't we just play the whole
01:30:07 **4** segment again.

01:30:48 **5** MR. DOUGHTEN: Would this be a good time to
01:30:51 **6** take a restroom break?

01:30:54 **7** THE COURT: Okay (recess taken).

01:55:12 **8** THE COURT: You may be seated. You may
01:55:14 **9** resume. You remain under oath.

01:55:18 **10** BY MR. BOSS:

01:55:23 **11** Q.

01:55:23 **12** THE COURT: If I understand correctly, we
01:55:25 **13** will be seeing two segments with the middle segment
01:55:32 **14** together, so it will be the entire segment.

01:55:34 **15** MR. BOSS: Actually this is a previous
01:55:36 **16** government clip that they played from beginning to end.
01:55:39 **17** We played the beginning and the end and the government
01:55:42 **18** wishes to play the middle at this time to put it into
01:55:45 **19** context. We certainly have no objection. (Audio is
01:56:05 **20** played) is.

02:05:04 **21** MR. BOSS: If I may have just a moment,
02:05:08 **22** judge.

02:05:09 **23** THE COURT: Of course. Now.

02:06:44 **24** BY MR. BOSS:

02:06:44 **25** Q. Now, was during that July 14, 2004 conversation

02:06:47 **1** that Mr. El-Hindi indicate to do you that he was not
02:06:49 **2** recruiting for jihad, and you said that he went over to
02:06:52 **3** Egypt and saved them, correct?

02:06:54 **4** **A.** He said he went over to Egypt and saved them.

02:06:58 **5** **Q.** You said that. You said he saved them?

02:07:00 **6** **A.** Yes, saved their life actually, yes.

02:07:04 **7** **Q.** By a week later, Mr. El-Hindi still had not
02:07:08 **8** brought them to you for any type of training?

02:07:11 **9** **A.** No, sir.

02:07:11 **10** **Q.** You have decided that you were going to go

02:07:14 **11** directly to Zubair, and you left a voice mail for him

02:07:19 **12** indicating you were going to go ahead and directly

02:07:23 **13** contact him, isn't that correct?

02:07:25 **14** **A.** I believe so.

02:07:28 **15** **Q.** By this time, you knew that Marwan El-Hindi

02:07:31 **16** simply want to do take care of Zubair and Khaleel, he

02:07:34 **17** said, for their families, that's what was said earlier

02:07:37 **18** on the 15th, isn't that the true?

02:07:39 **19** **A.** That was part of it, sir. How I understood it.

02:07:52 **20** **Q.** Now, you left Marwan El-Hindi a voice mail on

02:07:55 **21** July 22 saying that you wanted to contact Zubair and

02:08:01 **22** Khaleel, and then he called you back and left a voice

02:08:04 **23** mail on your recorder as well, isn't that correct? Do

02:08:07 **24** you remember that, on July 22?

02:08:11 **25** **A.** I don't know specific date, sir.

02:08:13 **1** Q. 2004?

02:08:14 **2** A. That sounds about right.

02:08:16 **3** Q. And in his return call he didn't even mention

02:08:19 **4** Zubair and Khaleel on that recording, did he?

02:08:22 **5** A. I'm not sure, sir.

02:08:23 **6** Q. Would you like to refresh your recollection?

02:08:27 **7** A. What date was that.

02:08:28 **8** Q. July 22, 2004?

02:08:30 **9** A. I need the next book, sir -- hold on. Hold on.

02:08:41 **10** A. July 22.

02:08:42 **11** Q. Yes, sir?

02:08:43 **12** A. It's here.

02:09:20 **13** A. Do you want me to read the whole thing, sir.

02:09:22 **14** Q. Well, when Mr. El-Hindi called you back, do you

02:09:26 **15** recall now that he spoke about Mike and fill and buying

02:09:30 **16** gas stations and a gas station business?

02:09:32 **17** A. Yes, sir.

02:09:33 **18** Q. He didn't talk about Zubair and Khaleel?

02:09:35 **19** A. Not as far as I can see at this point.

02:09:51 **20** Q. Now, you later speak to Mr. El-Hindi on July 27,

02:09:55 **21** 2004. Do you recall that?

02:10:00 **22** A. Yes.

02:10:00 **23** Q. Please feel free to go to the transcript of the

02:10:03 **24** recording if you'd like?

02:10:05 **25** A. Thank you. Yes, it says July 27.

02:10:10 **1** Q. July 27. And on that day you were discussing
02:10:16 **2** with him or he was discussing with you his plan for
02:10:18 **3** health information technology system?

02:10:20 **4** A. I remember that, yes.

02:10:23 **5** Q. Then out of the blue, you bring up Zubair and
02:10:26 **6** Khaleel again?

02:10:27 **7** A. Yes.

02:10:29 **8** Q. He wasn't talking to you about Zubair and Khaleel
02:10:32 **9** at that point, was he? You asked him how they were
02:10:44 **10** doing?

02:10:44 **11** A. Yes.

02:10:44 **12** Q. And Marwan told you that they were cooling down.
02:10:48 **13** Do you remember him telling you that?

02:10:50 **14** A. Yes.

02:10:50 **15** Q. That they were going to school?

02:10:52 **16** A. Yes, sir.

02:10:52 **17** Q. And you still asked him to bring them back to
02:10:56 **18** you, didn't you?

02:10:57 **19** A. Yes, I did.

02:10:59 **20** Q. And he never did, did he?

02:11:00 **21** A. No, sir.

02:11:28 **22** Q. Now later on October 1, 2004, by that point,
02:11:35 **23** based on this prior conversation days earlier, you knew
02:11:38 **24** that Marwan El-Hindi wanted you to get on top of the
02:11:42 **25** business for the health information system, you and he

02:11:45 **1** were discussing that?

02:11:47 **2** **A.** I believe so, yes.

02:11:54 **3** **Q.** And you knew on that date Marwan said he want to

02:11:57 **4** do bring you to Chicago for training in the health

02:12:01 **5** information system?

02:12:02 **6** **A.** Can I read it.

02:12:04 **7** **Q.** Please do?

02:12:10 **8** **A.** Do you know what page.

02:12:12 **9** MR. SOFER: Can you give us a page please.

02:12:16 **10** MR. BOSS: I can try.

02:12:47 **11** MR. BOSS: The date, October 1, 2004. And

02:12:50 **12** the page for your transcript will be page 10.

02:12:54 **13** MR. SOFER: Thank you.

02:12:57 **14** THE WITNESS: Page 10?

02:13:00 **15** MR. BOSS: Yes, sir.

02:13:23 **16** **A.** Yes, that's what he states.

02:13:25 **17** **Q.** Bring you to Chicago or the training in the

02:13:28 **18** health information system?

02:13:29 **19** **A.** And everything.

02:13:39 **20** **Q.** And Mr. El-Hindi also indicated, I think on the

02:13:43 **21** next page, that he had three or four projects, you were

02:13:47 **22** aware of that?

02:13:54 **23** **A.** Yes, he says that.

02:13:55 **24** **Q.** And he was looking into grants for those three or

02:13:58 **25** four projects?

02:14:05 **1** A. I can't recall at this time.

02:14:08 **2** MR. BOSS: Judge I'd like to play clip 3 of

02:14:14 **3** I D 8966747, 10, 1, 04.

02:14:22 **4** MR. SOFER: Judge -- is that what you were
02:14:25 **5** just referring to?

02:14:32 **6** MR. SOFER: I object.

02:14:34 **7** THE COURT: Come on upside.

02:16:04 **8** (Whereupon the following discussion was had
02:16:04 **9** at the bench outside the hearing of the jury:)

02:16:04 **10** THE COURT: The objection is.

02:16:04 **11** MR. SOFER: My objection is I don't think --

02:16:04 **12** we're talking about two different subjects here, I

02:16:04 **13** think, maybe I'm wrong. Either way, it. The question

02:16:04 **14** is very unclear. If you look at the transcript judge

02:16:04 **15** the question is very unclear. I have no doubt if he

02:16:04 **16** asks a pointed question related to the transcript he's

02:16:04 **17** going to get the answer he wants. He already got one

02:16:04 **18** of them. I don't know what playing the tape does.

02:16:04 **19** MR. BOSS: I'll move on.

02:16:04 **20** THE COURT: Okay.

02:16:04 **21** MR. SOFER: I have no objection to further

02:16:04 **22** questions I just don't think now is tap proppraise place

02:16:04 **23** to play a tape.

02:16:04 **24** (End of side-bar discussion.)

02:16:10 **25** THE COURT: You may continue.

02:16:13 **1** MR. BOSS: Thank you judge.

02:16:14 **2** BY MR. BOSS:

02:16:15 **3** Q. Now you advised Marwan El-Hindi on that date that
02:16:17 **4** you were training some other guys for VIP protection
02:16:20 **5** team, didn't you?

02:16:23 **6** A. Yes, I stated that.

02:16:26 **7** Q. Didn't state for jihad training, VIP protection
02:16:31 **8** training?

02:16:31 **9** A. Just says VIP protection team.

02:16:37 **10** THE COURT: Protection detail.

02:16:39 **11** THE WITNESS: Team, it says.

02:16:40 **12** THE COURT: Team. Okay.

02:16:46 **13** Q. With Mr. El-Hindi you discussed training in many
02:16:49 **14** innocent contexts, isn't that correct?

02:16:52 **15** A. What do you mean by many. They were
02:16:55 **16** interchangeable if that's what you mean.

02:16:59 **17** Q. That's what I mean?

02:17:00 **18** A. Then you are correct.

02:18:59 **19** BY MR. BOSS:

02:19:00 **20** Q. Mr. Griffin the next date I want to direct your
02:19:02 **21** attention to is October 8, 2004?

02:19:05 **22** A. Yes, sir.

02:19:07 **23** Q. Now, you recall by that time Marwan El-Hindi had
02:19:11 **24** lost about 20 pounds since coming back from Egypt?

02:19:16 **25** A. He was thinner, I believe so.

02:19:20 **1** Q. And you said it looked like he was working out,
02:19:23 **2** it was like he was training?

02:19:25 **3** A. I believe so.

02:19:27 **4** Q. And that was training for physical fitness,
02:19:30 **5** right?

02:19:30 **6** A. Yeah, I guess, yes.

02:19:33 **7** Q. Marwan El-Hindi did say he was training, correct?

02:19:38 **8** A. I have to.

02:19:39 **9** Q. Please feel free to look, page 4?

02:19:53 **10** A. Yes, I am, I have to.

02:19:57 **11** MR. BOSS: Judge I think with the agreement
02:19:58 **12** of the government, we're going to be playing a segment
02:20:01 **13** of this tape that is a few minutes long and I'll just
02:20:04 **14** interrupt it for questions if that's okay.

02:20:06 **15** THE COURT: Okay.

02:20:12 **16** BY MR. BOSS:

02:20:12 **17** Q. Mr. Hess, if you would please, we're going to be
02:20:16 **18** playing clips 1, 2, and 4 on October 8, 2004 is the
02:20:22 **19** date. ID9066747. When everyone's ready.

02:21:24 **20** (Audio played)?

02:22:00 **21** BY MR. BOSS:

02:22:01 **22** Q. Now, Mr. Griffin when you said that you were too
02:22:03 **23** young in your knowledge of jihad, you were fishing there
02:22:06 **24** for some sort of explanation?

02:22:08 **25** A. Yes. May I explain.

02:22:11 **1** Q. No, is that what you were doing at that point?

02:22:15 **2** A. Partly, yes.

02:22:18 **3** MR. BOSS: Continue please.

02:26:44 **4** MR. BOSS: Mr. Hess, one moment before we

02:26:46 **5** move to the next clip.

02:26:47 **6** BY MR. BOSS:

02:26:48 **7** Q. Now, Mr. Griffin, Marwan told you that this was a

02:26:51 **8** land of peace?

02:26:53 **9** A. Yes, he did.

02:26:54 **10** Q. Did you report that to your FBI handlers?

02:26:58 **11** A. Either I did verbally or they got the tape.

02:27:04 **12** Q. And Marwan told you that it was more important to

02:27:06 **13** stay and raise the kids and the family than to go fight

02:27:10 **14** jihad?

02:27:12 **15** A. Yes.

02:27:13 **16** Q. Did you report that to your FBI handler?

02:27:16 **17** A. Either I said it verbally or I turned over the

02:27:19 **18** recording.

02:27:21 **19** Q. Marwan told you that a lot of people here don't

02:27:23 **20** understand jihad, and he proceeded to explain to you

02:27:27 **21** what it meant, isn't that correct?

02:27:28 **22** A. Yes, sir.

02:27:30 **23** Q. Did you report that explanation to your FBI

02:27:33 **24** handler?

02:27:35 **25** A. I gave them the tape, yes.

02:27:46 **1** MR. BOSS: If we could go to the next

02:27:49 **2** clip -- before we get there.

02:28:22 **3** MR. BOSS: If the government's prepared

02:28:25 **4** right now to play -- what pages.

02:28:28 **5** (Discussion had off the record.)

02:28:42 **6** THE COURT: This is what.

02:28:43 **7** MR. BOSS: This is a continuation of the

02:28:46 **8** same recording Your Honor. Thank you. If you please

02:28:50 **9** proceed Mr. Hess.

02:29:24 **10** (Audio played).

02:30:06 **11** BY MR. BOSS:

02:30:06 **12** Q. Now, in that passage we just heard, Mr. El-Hindi

02:30:10 **13** said, how are they going to go over there and change the

02:30:12 **14** whole thing, change the whole culture? And you respond

02:30:16 **15** by saying I'm talking about here?

02:30:19 **16** A. Yes.

02:30:19 **17** Q. Were you trying to inflame the situation here?

02:30:25 **18** A. No, I think I explained that in this next clip.

02:30:30 **19** MR. BOSS: Then let's proceed.

02:31:03 **20** BY MR. BOSS:

02:31:03 **21** Q. Now, Mr. El-Hindi said to you in response to your

02:31:08 **22** saying will you introduce me to them, that he trusted

02:31:13 **23** them as far as they were good people, right?

02:31:15 **24** A. Trusted people, yes.

02:31:18 **25** Q. And you said this is what I do for a living.

02:31:22 **1** What did you mean by that?

02:31:24 **2** MR. GETZ: You meant train people for

02:31:26 **3** violent matters.

02:31:27 **4** A. That's part of it, yes.

02:31:28 **5** Q. And in response Mr. El-Hindi said, well, I'm --

02:31:31 **6** well tell them I'm going to train you but not for jihad.

02:31:37 **7** Just to be ready if somebody breaks into your house.

02:31:41 **8** Isn't that what Mr. El-Hindi told you?

02:31:43 **9** A. Yes, sir

02:31:45 **10** Q. At that point you knew Mr. El-Hindi's mindset was

02:31:52 **11** not to have these boys trained for jihad; is that

02:31:55 **12** correct?

02:31:55 **13** MR. SOFER: Judge.

02:31:57 **14** THE COURT: In terms of knowing, a mind set.

02:32:00 **15** Again, the question is what he was told, what was said.

02:32:05 **16** Q. Did you tell your FBI handler that Mr. El-Hindi

02:32:09 **17** said to train them but not for jihad?

02:32:11 **18** A. Theyed that tape, sir.

02:32:13 **19** Q. Do you recall telling them and discussing this

02:32:16 **20** issue with them?

02:32:17 **21** A. I vaguely do remember saying something about this

02:32:19 **22** whole discussion.

02:32:21 **23** Q. Did you tell your FBI handler to notice in

02:32:25 **24** response you said you were going to prepare them period

02:32:28 **25** for whatever they decided to?

02:32:31 **1** A. They have the tape, so.

02:32:33 **2** Q. Did you tell your FBI handler that?

02:32:35 **3** A. I can't recall specific, sir.

02:32:44 **4** MR. BOSS: We can continue.

02:32:48 **5** (Audio played).

02:35:54 **6** BY MR. BOSS:

02:35:55 **7** Q. Mr. Griffin, you have a vague recollection of

02:35:59 **8** that discussion with your FBI handler, and you have a

02:36:02 **9** recollection, I believe you said, of your telling them

02:36:06 **10** that Marwan El-Hindi said not nor jihad, train them but

02:36:15 **11** not for jihad, do you remember telling your handler

02:36:20 **12** that?

02:36:20 **13** A. I do not.

02:36:21 **14** Q. I beg your pardon?

02:36:22 **15** A. I do not.

02:36:23 **16** Q. I thought you said you had a vague reg election?

02:36:25 **17** A. I have a vague recollection of the whole

02:36:28 **18** conversation. I'm sure I said, once again, it was the

02:36:31 **19** practice that after every event I would regurgitate what

02:36:35 **20** I remember to my contact.

02:36:38 **21** Q. Did you ever ask your handler how many times

02:36:40 **22** Marwan El-Hindi had to say no, not nor jihad, before he

02:36:44 **23** would no longer be a target?

02:36:45 **24** MR. SOFER: Objection Your Honor.

02:36:48 **25** THE COURT: I think you're arguing with the

02:36:50 **1** witness. You can ask him if he ever said that.

02:36:53 **2** **Q.** Did you ever say that?

02:36:55 **3** **A.** Ask him how many times.

02:36:56 **4** **Q.** Yes, sir?

02:36:57 **5** **A.** I didn't ask.

02:36:58 **6** **Q.** Did you discuss with him how many times Marwan

02:37:01 **7** has said this, not for jihad?

02:37:03 **8** **A.** No, sir.

02:37:08 **9** MR. BOSS: We'd like to play clip 15 if we

02:37:11 **10** could, please.

02:37:14 **11** MR. HARTMAN: Page 51.

02:37:33 **12** MR. BOSS: This is on page 51, Mr. Griffin.

02:37:37 **13** THE WITNESS: 51.

02:37:56 **14** **Q.** By the way, when you advised Mr. El-Hindi that

02:37:59 **15** you were going to train them for anything, after he said

02:38:04 **16** train them but not for jihad, and I believe that your

02:38:07 **17** response was that you would train them for whatever?

02:38:14 **18** **A.** Whatever they wanted, yes, sir.

02:38:18 **19** **Q.** Were you saying that because of your instruction

02:38:21 **20** from the FBI that that's how you were supposed to handle

02:38:23 **21** that type of situation?

02:38:24 **22** **A.** No, it just came out.

02:38:26 **23** **Q.** Just came out?

02:38:27 **24** **A.** Yes, sir.

02:38:29 **25** **Q.** Now, your pursuit of Zubair and Khaleel as

02:38:35 **1** possible targets, persons of interest, for training for

02:38:40 **2** jihad after that point was not as a result of Marwan

02:38:44 **3** El-Hindi's idea or proposal, but it was yours?

02:38:50 **4** MR. SOFER: Objection Your Honor. May I ask

02:38:54 **5** him to rephrase the question.

02:38:56 **6** THE COURT: Why don't you simply ask who

02:38:59 **7** proposed or suggested it, if he recalls.

02:39:02 **8** Q. At this juncture on this date, Marwan El-Hindi

02:39:05 **9** told you to train them but not for jihad, isn't that

02:39:09 **10** true?

02:39:10 **11** A. Yes.

02:39:12 **12** Q. Was it your idea then to pursue Zubair and

02:39:16 **13** Khaleel Ahmed and not Mr. El-Hindi's from that point

02:39:20 **14** forward?

02:39:23 **15** A. I was -- I was probably at least asked to reach

02:39:28 **16** out and talk to them at least on one occasion to gather

02:39:31 **17** more information.

02:39:31 **18** Q. Asked by the FBI?

02:39:33 **19** A. Yes.

02:39:35 **20** Q. Now, if we can play that clip on page 51, please?

02:39:40 **21** A. 51.

02:39:42 **22** MR. BOSS: Yes, sir (audio played).

02:40:55 **23** MR. BOSS: Your Honor I believe at this

02:40:56 **24** juncture it probably makes sense to break for the day.

02:41:01 **25** MR. SOFER: Is there a question we played

02:41:03 **1** this for.

02:41:03 **2** THE COURT: Any further questions at this

02:41:10 **3** point?

02:41:19 **4** BY MR. BOSS:

02:41:20 **5** **Q.** In that clip you heard Mr. El-Hindi indicate that

02:41:22 **6** we're not doing something illegal anyway, correct?

02:41:27 **7** **A.** He made that statement, yes.

02:41:30 **8** MR. BOSS: No further questions.

02:41:36 **9** THE COURT: Okay. It's my understanding

02:41:38 **10** there is a lengthy clip to be played, that's why we're

02:41:43 **11** adjourning.

02:41:44 **12** MR. BOSS: Yes, sir.

02:41:45 **13** THE COURT: Ladies and gentlemen we'll

02:41:46 **14** adjourn for the evening. As I say we'll anticipate

02:41:50 **15** start anything the morning with a fairly lengthy clip

02:41:52 **16** that it's probably best not to break up. Thank you for

02:41:56 **17** your attention and patience. We'll try to start at

02:41:59 **18** 8:30.

02:43:00 **19** MR. SOFER: (Jury out.

02:43:02 **20** MR. SOFER: The very last question highlights

02:43:04 **21** exactly what the government objected to previously,

02:43:07 **22** which owe the question is didn't Marwan El-Hindi say

02:43:10 **23** something. We played an entire clip for a question

02:43:14 **24** didn't Marwan El-Hindi say something. Clearly that's

02:43:17 **25** what counsel believes an exculpatory statement, and

02:43:21 **1** again, my objection to that's why we're playing these
02:43:25 **2** things I think it's an inappropriate use of the
02:43:27 **3** transcript.

02:43:28 **4** MR. BOSS:

02:43:29 **5** MR. HARTMAN: I apologize judge. That was
02:43:31 **6** my fault because didn't give Chuck fully, there was a
02:43:34 **7** question to follow that about what Mr. Griffin said
02:43:36 **8** immediately after that statement about shooting, and I
02:43:40 **9** didn't give it to him. It's my fault. It wasn't just
02:43:43 **10** to play the statement to get in the exculpatory
02:43:47 **11** statement.

02:43:50 **12** THE COURT: Want to see government counsel
02:43:52 **13** just briefly. Anything else before tomorrow.

02:43:56 **14** MR. BOSS: Nothing.

02:44:00 **15** THE COURT: You indicated that you hope you
02:44:02 **16** might come complete the cross-examination.

02:44:04 **17** MR. BOSS: I believe we will.

02:44:05 **18** THE COURT: Okay. We will see. Just a
02:44:09 **19** general timetable. Okay.

02:46:45 **20** (Discussion had off the record.)

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled
matter.

<u>/s Tracy L. Spore</u>	_____
Tracy L. Spore, RMR, CRR	Date

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DARREN GRIFFIN, CONTINUED CROSS-EXAMINATION3721
BY BY MR. BOSS: